



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUL 14 2005

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

In re Application of
Susumu OTSUKI, et al.
Application No. 09/857,155
Filed: May 31, 2001
For: **5-DIRECTIONAL KEY
OPERATION DEVICE**

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the petition filed October 15, 2004 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed January 5, 2004. A Notice of Abandonment was mailed on September 30, 2004.

Petitioner asserts that a proper response was timely filed on May 24, 2004. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on May 26, 2004. In addition, a review of the Revenue Accounting and Management (RAM) records show that a fee of \$420 was applied toward two (2) months extension of time on May 26, 2004.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition. From there, the file will be forwarded to the examiner for further examination in due course.

Doris To
Special Program Examiner
Technology Center 2600
Communications